

From: [Tonetta Richard](#)
To: [Jeffrey DiLazzero](#)
Cc: [Harrington, Dwayne](#); [Prince, John](#); [Doyle, James](#); [Regna, Jean](#); [Mosher, Eric](#); [Banner, Ellen](#); [McGowan, Michael](#); [Daloia, James](#); [Seppi, Pat](#); [Rodriguez, Elias](#); [Norrell, Neil](#); [Lucarino, Kelli](#); [Lieber, Thomas](#); [Lopez Emma](#); [Jones Dale](#); [Pagnini Robert](#); [anthony.carl@dep.nj.gov](#); [robert.vanfossen@dep.nj.gov](#); [Gary.Pearson@dep.nj.gov](#); [James.Manuel@dep.nj.gov](#); [Bell Dave](#); [Kluesner, Dave](#); [todd.kast@dep.nj.gov](#); [pjohnson@gesoncall.com](#); [djohnson@gesoncall.com](#); [jrobertson@gesoncall.com](#); [mbenson@bbattorneys.net](#)
Subject: RE: South Jersey Ice
Date: Wednesday, July 20, 2016 10:49:34 AM

Thanks Jeff.

Richard P. Tonetta, Esq.
Solicitor, City of Vineland
640 E. Wood Street
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From: Jeffrey DiLazzero [<mailto:jdilazzero@gmail.com>]
Sent: Wednesday, July 20, 2016 10:17 AM
To: Tonetta Richard
Cc: [Harrington, Dwayne](#); [Prince, John](#); [Doyle, James](#); [Regna, Jean](#); [Mosher, Eric](#); [Banner, Ellen](#); [McGowan, Michael](#); [Daloia, James](#); [Seppi, Pat](#); [Rodriguez, Elias](#); [Norrell, Neil](#); [Lucarino, Kelli](#); [Lieber, Thomas](#); [Lopez Emma](#); [Jones Dale](#); [Pagnini Robert](#); [anthony.carl@dep.nj.gov](#); [robert.vanfossen@dep.nj.gov](#); [Gary.Pearson@dep.nj.gov](#); [James.Manuel@dep.nj.gov](#); [Bell Dave](#); [Kluesner, Dave](#); [todd.kast@dep.nj.gov](#); [pjohnson@gesoncall.com](#); [djohnson@gesoncall.com](#); [jrobertson@gesoncall.com](#); [mbenson@bbattorneys.net](#)
Subject: RE: South Jersey Ice

Rick,

As I advised you previously, the report in question has to do with roofing repairs that were completed by my client approximately two years ago. The City of Vineland's construction office should have the permits that were obtained in order to do the work that was done. Theoretically the City should have inspected this work when it was completed. You asked for this report on Thursday of last week. As you are aware, I was not in the office Friday through Sunday or yesterday. I was in Pennsylvania on all of these days.

Monday I was dealing with more pressing issues than providing you with an outdated report that no longer has any relevance to the matter at hand. I am not trying to play hide the ball with respect to the report; and will scan and email it to you later today even though I'm under no legal obligation to do so. I'm still not sure why you didn't simply obtain a copy of the report from whoever told you about it in the first place. Please let me know how you learned about this and from whom. I don't know why you are referring to negative inferences since there is no ongoing litigation at this time; and my client has cooperated fully.

In the meantime, perhaps you should provide the numerous people that you have chosen to carbon copy on this email with a copy of the comprehensive report that I'm sure the City's construction code official prepared when he determined the roof to be unstable. As you know,

the relevant statutes and administrative code sections require this as a matter of law. In fact, I'm requesting that you please provide me with a copy of that report as well. I'm sure that the City's report is a much more accurate representation of the condition of the roof at this time. I'm extremely interested in learning how Mr. Kirchner made these determinations based solely upon a visual inspection and without ever getting up on the roof.

So that I am not accused of hiding anything from anyone I will provide everyone cc'd on this email with a copy of the report being requested by Rick. Rick can provide you all with copies of the construction permits that were obtained as well as any inspections prepared by the City which inspects the facility at least annually. To the extent that is not sufficient, I'm sure that my client would consent to allowing anyone who wants to inspect the roof with an opportunity to do so.

Thank you,

Jeff

On Wednesday, July 20, 2016, Tonetta Richard <rtonetta@vinelandcity.org> wrote:
Jeff,

I still have not received the 2014 Structural Engineering Report from Jody DeMarco, PE as promised. Is there a reason you choose not to share the report now after indicating you would do so? I am sure that a negative inference would be requested in the hearing. If you have ANY report regarding the structural integrity of the building, please share it.

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-----Original Message-----

From: Harrington, Dwayne [<mailto:Harrington.Dwayne@epa.gov>]
Sent: Tuesday, July 19, 2016 5:18 PM
To: Prince, John; Doyle, James; Regna, Jean; Mosher, Eric; Banner, Ellen; McGowan, Michael; Daloia, James; Seppi, Pat; Rodriguez, Elias; Norrell, Neil; Lucarino, Kelli; Lieber, Thomas; Lopez Emma; Jones Dale; Tonetta Richard; Pagnini Robert;
anthony.carl@dep.nj.gov; robert.vanfossen@dep.nj.gov; Gary.Pearson@dep.nj.gov; James.Manuel@dep.nj.gov; Bell Dave; Kluesner, Dave; todd.kast@dep.nj.gov; pjohnson@gesoncall.com; djohnson@gesoncall.com; jrobertson@gesoncall.com
Subject: Re: South Jersey Ice

EPA, NJDEP, and VFD inspected the warehouse and confirmed that all perishable produce has been removed. A few pallets of ice remain in the basement and bottom floor.

An old skid-mounted unconnected 15' x 4' storage tank was discovered in a cold storage room on the first floor. The facility owner stated that the tank may have at one time contained anhydrous ammonia. The pressure gauge reads zero but another gauge reads 50 (units unknown).

The tank is skid mounted and the facility owner said it has been moved in the past with forklifts and it will be relocated to a front room near the loading dock for further assessment following the ammonia removal.

Sent from my iPad

> On Jul 19, 2016, at 3:31 PM, Harrington, Dwayne <Harrington.Dwayne@epa.gov> wrote:

>

> The last truck of produce is being loaded

>

> EPA, NJDEP, and VFD will inspect the building this afternoon to confirm that all perishable product has been removed from the warehouse.

>

>

> Sent from my iPad

>

>> On Jul 19, 2016, at 2:03 PM, Harrington, Dwayne <Harrington.Dwayne@epa.gov> wrote:

>>

>> I just spoke with Mark DiMeo

>>

>> He told me that at this time it appears highly likely that they will request and grant access for EPA to begin the ammonia removal tomorrow morning. They should have something formal to that effect for us tomorrow morning.

>>

>> I assume it's a result of their contractor's assessment.

>>

>> I assume we should mobilize accordingly.

>>

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>> Sent from my iPad

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